

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Continued Prosecution Application of:)

Edward L. Carver)

Group Art Unit: 1743)

Serial No.: 09/039,789)

Examiner: A. Soderquist)

Filed: Herewith)

Docket No. 116310.0030)

For: **APPARATUS FOR MAKING A PLURALITY OF
REAGENT MIXTURES AND ANALYZING PARTICLE
DISTRIBUTIONS OF THE REAGENT MIXTURES**

Box DAC
Commissioner for Patents
Washington, DC 20231

RESPONSE TO OFFICE ACTION

Dear Sir:

In response to the Office Action dated April 11, 2002, please enter and consider the following remarks:

REMARKS

Claims 27-30, 32-35, 38 and 40-46 were pending in this application. No claims have been amended, and no claims have been added or cancelled. Accordingly, claims 27-30, 32-35, 38 and 40-46 are currently pending in this application.

Rejections under 35 U.S.C. § 112

Claims 27-30, 32-35, 38 and 40-46 stand rejected under 35 U.S.C. 112, first paragraph. The Examiner asserts that the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. Specifically, the Examiner asserts that "the specification fails to teach that a single lysing agent can lyse all types of blood by changing the blood to lysing agent volume ratio", and further "fails to teach or provide any basis for grouping blood samples into a set or analyzing a set of blood sample types that can be lysed by changing the

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OFFICE OF PETITIONS